

## UPDATE: Indian Head Rock Returned to Kentucky



By Randy Yates, WSAZ News Staff | Posted: Thu 7:05 PM, Nov 04, 2010

UPDATE 11/4/10 @ 4:48 p.m.

PORTSMOUTH, Ohio (WSAZ) – After a long and bitter border battle that got national attention, the iconic Indian Head Rock rolled out of Ohio today.

The big boulder with the happy face is now back in Kentucky.

But the rock's final resting place is yet to be determined.

After three years of sitting still in the Portsmouth city garage and quietly minding its own business, a Greenup County, Kentucky road crew came to get the much ballyhooed boulder out of Ohio for good.

Crew Chief Joe Taylor: "They just want to get it home, put it on public display," said Crew Chief Joe Taylor.

But intentions of public display are what started the problems.

Back in 2007, without any state or federal authorization, Ohio amateur historian Steve Shaffer's dive team pulled the Indian head rock out from the Kentucky side of the Ohio River.

The plan was to display the local icon from the early 1900s on buckeye state soil.

"People would carve initials on it, take pictures with it, and it was a high and low water marker," said Historian George Crothers.

But Kentucky filed civil and criminal suit against the Ohio dive team and the state itself, claiming theft of the protected KY artifact.

Ohioans scoffed, they held rallies and festivals around the rock, the border battle reged from Frankfort to Columbus until a two state agreement was finally reached to drop the lawsuit and send what may be one of many Indian head rocks – not back to the bottom of the river as some hoped – but for now to another garage in Greenup county, Kentucky.

"We'll keep it in a safe and secure place, protected and I'll appoint a committee of south shore and south Portsmouth folks to decide what to do next, at least its one step closer to its final resting place," said Judge-Executive Bobby Carpenter.

Until then, you can stop by the Greenup road barn, weekdays from 7 a.m. to 3 p.m., and see the rock.

The Indian head rock story made it to several national news shows, even the New York Times.

Kentucky historians say when the rock does go on display, it will include educational materials on the laws that protect such artifacts.

UPDATE 7/8/10 @ 12:20 p.m.

FRANKFORT, Ky. (WSAZ) – Attorney General Jack Conway and the Kentucky Heritage Council/State Historic Preservation Office, an agency of the Kentucky Tourism, Arts and Heritage Cabinet, jointly announce that a settlement has been reached to return the historic Indian Head Rock to Kentucky. An Agreed Order between the Commonwealth of Kentucky and the city of Portsmouth, Ohio, its former mayor Gregory Bauer, Steven Shaffer and David Vetter, dismissing the civil suit, was filed today in federal district court. ☺

As part of the settlement, the city of Portsmouth will relinquish custody and control of the artifact and permit its transport to a location designated by the Kentucky Heritage Council, an agency responsible for the identification, protection and preservation of the state's archaeological and historic resources. No date has yet been set for its return, but the exchange is expected to take place over the next few weeks.

"Even though Indian Head Rock was unlawfully removed from a registered state archaeological site in the Ohio River, I am pleased that this protected antiquity is being returned to Kentucky," General Conway said. "I appreciate the City of Portsmouth for working with us to settle this matter outside of the courtroom. I am also grateful to the volunteers who have stepped forward to return Indian Head Rock to Kentucky at no expense to taxpayers."

Under the settlement agreement, the Commonwealth further agrees to fully and finally release all civil claims causes of action and demands against Shaffer, Vetter, Bauer and the city of Portsmouth and its officers stemming from the artifact's removal.

The dispute over the eight-ton boulder, which gets its name from the carving of what appears to be an Indian, began after Ironton, Ohio historian Steven Shaffer led an expedition to remove the rock from the Ohio River in 2007. Neither Steven Shaffer nor dive team member, David Vetter, had sought authorization from the Commonwealth of Kentucky, Army Corps of Engineers, or any official or agency, to remove the historic artifact. They had also not filed for any permits requesting to remove the protected antiquity, which served as a noted historical high-water marker on the river.

On February 3, 2009, General Conway filed a civil suit in U.S. District Court claiming Kentucky was "the sole and rightful owner" of the artifact.

"We continue to believe that the artifact taken is the Indian Head Rock from the archaeological site designated 15Gp173 by the Kentucky Office of State Archeology," said Craig Potts, manager of the Kentucky Heritage Council's site protection and archeology program. For the Kentucky Heritage Council, this dispute involved far more than the return of the artifact.

"While we are relieved that an agreement has been reached to return this artifact to Kentucky, our concern has always been and continues to be the protection of Kentucky's archaeological resources. Federal and state laws exist to protect these sites from looting," said Mark Dennen, Kentucky Heritage Council executive director and the state's historic preservation officer. "We appreciate Attorney General Conway's commitment to protecting Kentucky's historic and prehistoric archaeological sites and upholding the laws of the Commonwealth."

Because the integrity of the archaeological site has been compromised, Dennen said returning the rock to the Ohio River would serve no purpose. For now, the rock will be stored by Greenup County government officials until a permanent home can be found and the artifact can be put on display and open for public viewing. The state Tourism, Arts and Heritage Cabinet is currently evaluating these options in partnership with Greenup County officials and other interested parties.

"We believe it is important to make this artifact available for public viewing not only to highlight local history and lore, but also to use it as an opportunity to teach others about the importance of protecting cultural resources," stressed Dennen. "Once these sites are gone, so is their capacity to reveal new information about Kentucky's past."

#### UPDATE 3/9/10

PORTSMOUTH, Ohio (WSAZ) – Discussions are underway on a settlement in the case against the Ironton historian who removed a rock from the Ohio River three years ago.

The State of Kentucky filed the civil lawsuit against Steve Shaffer in February of last year over what is known as Indian Head Rock.

His attorney, Mike Curtis told our media partner WOUB News on Monday, "there's a possibility it may be settled. Nothing is firm."

He also says within the next two weeks, he should have an idea of where the parties stand.

Curtis has said the rock Shaffer removed is not the Indian Head Rock, but Kentucky says it is indeed the Indian Head Rock, and the state wants it back.

The rock Shaffer removed is now in the possession of Portsmouth.

#### UPDATE 7/30/09

GREENUP COUNTY, Ky. (WSAZ) – The commonwealth of Kentucky officially dropped theft of antiquities charges against the local historian who led an effort to remove a rock from the Ohio River.

Steve Shaffer was facing up to five years in jail for removing the Indian Head Rock from the Ohio River. The rock has numerous carvings and had been submerged since the 1920s until it was retrieved in 2007. The commonwealth of Kentucky has jurisdiction of the river to the low water mark on the Ohio side.

Prosecutors say they were unable to positively identify the rock as the same one pictured in stories early last century. But Shaffer says his curiosity about local history remains.

Shaffer still faces a federal civil suit. The rock that was believed to be the Indian Head Rock was turned over to the city of Portsmouth, which still has control of it.

The federal civil suit will help determine what ultimately happens to that rock. That trial has been continued and no date has been set.

#### UPDATE 7/29/09

FRANKFORT, Ky. (AP) – A Kentucky prosecutor wants to dismiss criminal charges against an Ohio man who led efforts to remove an 8-ton rock from the Ohio River.

Historian Steve Shaffer sparked an Interstate border fight between Kentucky and Ohio in September, 2007, when he led a crew of divers to raise the Indian Head Rock. Shaffer brought it to nearby Portsmouth, Ohio.

Shaffer's criminal trial was set to begin early next month. But Greenup County Commonwealth's Attorney Cliff Duvall says in papers filed Friday that Shaffer's rock may not be the actual historic boulder in question.

Duvall did not return a call seeking comment.

The rock Shaffer found bears numerous carvings of initials, names and a crude face.

Shaffer was facing up to five years in prison. A Greenup County judge must still decide on Duvall's motion.

#### UPDATE 10/9/08

GREENUP, Ky. (WSAZ) – A member of the dive team that removed the Indian Head Rock from the Ohio River was in court Thursday in Greenup County, Kentucky.

David Vetter pleaded not guilty to charges he violated the Kentucky Antiquities Act.

Last year, a Portsmouth-based recovery crew pulled the 8-ton boulder out of the Ohio River. Bluegrass prosecutors say the Buckeye team stole a registered Kentucky historic artifact.

Vetter now joins Ohio dive team leader Steve Shaffer on the criminally accused list. The Kentucky prosecutor says there may be more indictments to come.

#### ORIGINAL STORY 3/27/08

HUNTINGTON, W.Va. (WSAZ) – Historians say if you look in the very first issue of Smithsonian Magazine, you will find an article on the Indian Head Rock. Going on two centuries later, the two state fight over the big river rock, which is now on dry land, takes a new twist tomorrow.

That's when a Kentucky lawyer begins presenting his theft case against an Ohio recovery team.

Mary Webb is one of many in Portsmouth who remembers her grandparents telling stories of a popular Ohio tourist attraction around the year 1900 that would rise up when the river was low.

"They would carve their initials," Webb said.

Those old stories inspired Ohioan Steve Shaffer to form a recovery team and haul up the eight ton rock, all to make a dream come true.

"I heard about it as a sixth grader in a man's book," Shaffer said.

Susan Fields is with the Army Corps of Engineers and says the Ohio recovery team took the rock from Kentucky waters without state or federal permission, violating a federal law from 1899.

"The rock was moved without proper authority under the Rivers and Harbors Act," Fields said.

"I had no idea," Shaffer said. "It's just a rock with graffiti."

Kentucky Commonwealth Attorney Cliff Duvall is preparing state criminal charges regarding what he says was a registered Kentucky state artifact illegally removal. He says Shaffer violated Kentucky's Antiquity Act, a felony with penalties from one to five years in prison. Duvall would not talk on camera but did send an email stating he would enforce the law.

"I heard I might go to prison," Shaffer said.

And what do average Joe's and Jane's from Ohio say about this rock and a hard place predicament?

Tangled, cross state legal wrangling will keep Portsmouth Mayor Jim Kalb from testifying before the grand jury Friday. But Duvall will still begin presenting his case against the alleged rock thieves.



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